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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,825	04/16/2004	Michael J. Lawrence	SSS 303CON	2186
23581	7590	08/16/2004	EXAMINER	
KOLISCH HARTWELL, P.C. 520 S.W. YAMHILL STREET SUITE 200 PORTLAND, OR 97204			SLACK, NAKO N	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/825,825

**Applicant(s)**

LAWRENCE, MICHAEL J.

**Examiner**

Naoko Slack

**Art Unit**

3635

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/16/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities: In the section entitled, Detailed Description of the Preferred Embodiment, a description of element 21 is lacking. It is noted that element 21 in Figure 6 has been identified in the Description of the Drawings, however, a detailed description of element 21 is required.

Appropriate correction is required.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the laminated stringer as claimed in claims 6 and 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claims 1-7 are objected to because of the following informalities: Claims 1 and 5 are drawn to a method but fail to specify method steps. Method claims should be drafted with clearly defined method steps described as verb forms.

For example, claim 1 could be amended to read,

"A step support method comprising the steps of:

providing a continuous sheet of metal with a plurality of cutouts proportionate to the rise and run of a desired step and a plurality of flanges to which a plurality of treads and risers may be attached;

attaching the plurality of treads and risers to the plurality of flanges to form a desired step; and

attaching the step support to a structure."

Furthermore, all depending claims 2-4, 6, and 7 should also be drawn to a method, as they depend from a method claim. Therefore, claims 2-4 should

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begin with, "The step support method of claim 1..." Similarly, claims 6 and 7 should begin with, "The step support method of claim 5..."

However, if Applicant intended to claim the article as opposed to the method, claims 1 and 5 should be amended to remove the word "method" from line 1 in each of the claims.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "the tread support flanges" in line 1 and "the stringer" in line 2. There is insufficient antecedent basis for these limitations in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US Patent 2,879,556 to Lyons.

Claim 1:

Lyons discloses a step support method comprising a contiguous sheet of material (16, Figure 3) with a plurality of cutouts proportionate to the rise and run of a desired step, a plurality of flanges (18 and 19, Figure 3) to which a plurality of treads and risers may be attached to form a desired step, and a surface to be mounted to a structure (column 2, lines 26-30).

Claim 3:

Lyons discloses a flange (17, Figure 3) formed on the bottom edge of the stringer, which provides extra strength.

Claim 4:

While finishing materials are not positively claimed in combination with the flange, Lyon's flange on the bottom edge (17, Figure 3) creates a surface which is capable of supporting finishing materials.

Claim 5:

Lyons discloses a step support method wherein tread support flanges have slits (23, Figure 3).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over 2,879,556 to Lyons as applied to claim 1 above and further in view of US Patent 3,196,997 to Hager.

Claim 2:

While Lyons does not show an adjoining surface of sheet metal, such a feature is known in the stair art and is taught by Hager. In Figure 3, Hager discloses a reinforcing support 18a bolted to the stringer for support and reinforcement (column 2, lines 10-12).

In view of Hager, it would have been obvious to one of ordinary skill in the art at the time the invention was made to reinforce Lyons' step support with an adjoining sheet metal, as Lyons is concerned with providing firm support of the treads and risers and a rigid construction (column 3, lines 41-44).

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over 2,879,556 to Lyons as applied to claim 5 above and further in view of US Patent 485,449 to Borneman et al.

Claims 6 and 7:

While Lyons discloses a wood plank (11, Figure 3) attached to the step support, Lyons fails to disclose a material laminated to one side of the stringer. Laminated stringers are known in the stair art. Borneman et al. discloses a curved stairway with a

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stringer that is laminated with thin layers of wood (g', Figure 6) for aesthetic requirements, as the surface of the stringer would be visible.

In view of Borneman et al, it would have been obvious to one of ordinary skill in the art at the time the invention was made to laminate Lyons' stringer in areas that are visible to the user. For example, when risers are not employed, the side of the stringer facing the treads would be exposed to view (Figures 1 and 3). Therefore, for aesthetic reasons, as taught by Borneman et al., Lyons would be motivated to laminate the visible portion of the stringer with attractive material. Additionally, finishing materials are capable of being attached to the underside of the stringers.

#### ***Cited Prior Art***

Japanese Patent JP 406294192 A to Shiyouko et al. discloses a method of constructing stairs without side beams by using metal plates with flanges to support treads and risers.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naoko Slack whose telephone number is (703) 305-0315. The examiner can normally be reached on Mon-Fri (6:00 am-2:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone



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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naoko Slack  
Primary Examiner  
Art Unit 3635

NS  
August 12, 2004